IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 24306 of 1999

Between:

Poloju Chinna Chella Rao @ Chella Rao,
son of Chandra Rao @ Chandraiah,
Hindu, aged about 40 years, resident of
Pataramavaram, Gangavaram Mandal,
East Godavari District.

..... PETITIONER

AND

1. Station House Officer, Gangavaram Police Station,
   Gangavaram Mandal, East Godavari District.
2. Mirthivada Rami Reddy, S/o Peda Veera Reddy, Hindu
   Aged 45 years, resident of Vemulova, Gangavaram Mandal,
   East Godavari District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly, one in the nature of writ of Mandamus declaring the action of the first respondent in calling the petitioner to the police station illegally and harassing him in the police station to give up his rights and possession over his ancestral landed property which he is enjoying for the last several years and paying tax for the same to the extent of Ac.3.60 cents in S.No.17/1 of Pataramavaram village, Gangavaram Mandal, East Godavari District at the instance of the second respondent as illegal, arbitrary, capricious and violative of fundamental rights guaranteed under Art. 21 of the Constitution of India including the life and liberty of the petitioner and consequential direction to the respondent No.1 not to interfere with the life and liberty of the petitioner with regard to the landed property as stated above as the said matter is of civil nature..

For the Petitioner: SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Advocate.

For the Respondent No.1: GP FOR HOME

For the Respondent No.2: SRI K.VENKATESH, Advocate

The Court made the following :

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ORAL ORDER:

In this writ petition, the petitioner complains the harassment of the police by calling the petitioner to the police station and interference at the instance of the second respondent when the civil litigation is pending, which is violation of Art. 21 of the Constitution.

The Assistant Sub-Inspector of Police and SHO, Gangavaram Police Station filed a counter-affidavit stating that on receipt of the complaint from the second respondent through Project Director, ITDA, Rampachodavaram, East Godavari District stating that the petitioner is trying to interfere with his possession, Sub-Inspector of Police, Gangavaram Police Station proceeded to the spot and found that the second respondent is in possession of the land, which was handed over to him by the Mandal Revenue Officer, Gannavaram. It was also informed by the Mandal Revenue Officer that the petitioner filed a case before the Deputy Collector (Tribal Welfare), Ramapchodavaram in LTRP No.65/76, which was dismissed and also the second respondent filed OS No.6/96 before the Special Mobile Sub-Divisional Magistrate, Rampachodavaram, which was also dismissed. On giving such information and since the civil proceedings are pending before the civil court, police advised the petitioner not to create any law and order problem and to approach the appropriate forum for establishing his rights over the said land. The allegation that the first respondent interfered with the liberty of the petitioner is incorrect. It is also denied about the harassment and interference with the liberty of the petitioner.

Though the counter-affidavit is filed on 6-12-1999, the petitioner has not made any endeavour to controvert the statements made in the counter-affidavit by filing reply denying the harassment meted out to the petitioner. When the same is pointed to the learned counsel, he seeks one week time to file a reply. Request is rejected. In view of the categorical statements made by the first respondent in his counter-affidavit, the contention of the petitioner that police are unnecessarily interfering with the liberty of the petitioner cannot be accepted.

The writ petition is accordingly dismissed. No costs.

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A.GOPAL REDDY,J

Dt. 23–6-2004
kmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Station House Officer, Gangavaram Police Station, Gangavaram Mandal, East Godavari District

2. 2 CCs to the Govt., Pleader for Home, High Court Buildings.Hyderabad. (OUT)

3. 2CD copies